

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13365, of John M. Derick, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) for a proposed rear addition to a single family detached dwelling in an R-1-B District at the premises 4401 Brandywine Street, N.W., (Square 1587, Lot 53).

HEARING DATE: October 22, 1980

DECISION DATE: October 22, 1980 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located in an R-1-B District at the northwest corner of the intersection of 44th and Brandywine Streets, N.W.

2. The subject property has fifty feet of frontage on Brandywine Street and seventy-seven feet of frontage on 44th Street. The area of the lot is 3,850 square feet. The lot is bordered at the rear with a sixteen foot wide public alley.

3. The property is improved with a two story brick detached single family dwelling.

4. The applicant proposes to add an enclosed porch and stairs to the rear of the existing dwelling. The new porch is to replace one which had existed since the house was constructed in 1933.

5. The new porch extends 8.33 feet from the back of the house and is 9.83 feet wide. The previously existing porch measured approximately four feet by five feet.

6. The applicant commenced construction of the new porch without applying for or receiving a building permit. The applicant testified at the hearing that he believed he was not required to obtain such a permit. The construction work was halted by order of a building inspector, and no additional work has taken place since June 1, 1980. Photographs in the record indicate that concrete columns for the porch have already been poured. The porch will be located above the basement level of the house and will be approximately seven feet out of grade.

7. The existing house has a rear yard in excess of thirty-three feet in depth. With the porch, the rear yard as proposed will be 23.85 feet. The regulations require a rear yard of twenty-five feet in the R-1-B District. A variance of 1.15 feet, or five per cent is required.

8. The lot is non-conforming as to lot area. However, the proposed lot occupancy of 1,286 square feet will still be substantially below the maximum allowable building area of 1,540 square feet.

9. The adjacent dwelling to the west extends further into the rear yard than the subject property.

10. The Office of Planning and Development, by memorandum dated October 10, 1980 and by testimony at the hearing, recommended that the application be approved. The OPD noted that the dwelling to the rear of the subject property would theoretically be most affected by this rear addition. Field survey indicated that the distance from the rear of the porch to the rear of the dwelling at 4400 Burlington Place, N.W., is between sixty-five and seventy feet. The OPD also noted that the dwelling adjacent on the west extends further into the rear yard than the subject property. The Office of Planning and Development did not believe that this addition will adversely affect any adjoining or nearby properties. The Board concurs with the findings and recommendation of the OPD.

11. Advisory Neighborhood Commission - 3E, by letter dated October 14, 1980, reported that it did not oppose the application.

12. The owner of property at 4404 Brandywine Street, N.W., diagonally across from the subject property, submitted a letter to the record stating no objection to the application.

13. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the applicant inadvertantly and without willful intention to violate the Regulations started construction of the porch without a permit. The concrete columns for the porch are already in place. The Board concludes that to require the applicant to demolish and reconstruct those columns 1.15 feet closer to the house would serve no useful purpose and would impose a practical difficulty upon the applicant.


The Board cautions the applicant, and all others, that it does not take lightly violation of the Regulations and beginning of construction without a permit. However, due to the minimal nature of the variance, the Board will grant the application.

The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 5-0 (Walter B. Lewis, Connie Fortune, William F. McIntosh, Charles R. Norris and Douglas J. Patton to GRANT).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 1 DEC 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.